

MINUTES

THE REGULAR MEETING OF THE
BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI
June 9, 2015

INTRODUCTORY

The Board of Aldermen of the City of Branson, Missouri, met in regular session in the Council Chambers of the City Hall on June 9, 2015, at 7:00 p.m. Mayor Best called the meeting to order with the "Pledge of Allegiance" and Ted Martin gave the invocation.

ROLL CALL

City Clerk Westfall called roll: Mayor Best presiding, Patrick Parnell, Mike Booth, Rick Todd, Cris Bohinc and Rick Davis. Absent: Bob Simmons.

Also present from the City were: City Administrator Bill Malinen, City Clerk Lisa Westfall, City Attorney William Duston, Police Chief Kent Crutcher, Parks and Recreation Director Cindy Shook, Utilities Director Mike Ray, Planning and Development Director Joel Hornickel, Finance Director Jamie Rouch, Fire Chief Ted Martin and Human Resources Director Jan Fischer.

EMPLOYEE OF THE MONTH

Alderman Bohinc presented Stacy McAllister of the Finance Department as the June Employee of the Month in recognition for displaying the City of Branson Values of Vision, Sustainability, Teamwork, Leadership, Volunteerism, Integrity, Service and Stewardship.

PUBLIC COMMENT

Mayor Best began the Public Comments section of the Board of Aldermen meeting by stating the Board would hear citizens that signed the Speaker's Sheet in the order they are listed on the sheet.

Jerry Bear, 658 S. Farm Road 197, Springfield, Missouri, introduced himself as the Director of the Muscular Dystrophy Association (MDA) and stated the MDA and Branson firefighters are requesting the opportunity to continue the annual Fill the Boot Program. Mr. Bear said last year, firefighters and MDA recognized their 60th anniversary fighting muscle disease together and firefighters are the number one sponsor of the MDA. He reported in February, the City of Branson passed an ordinance to prohibit panhandling and charitable solicitations in Branson as a result of an influx of panhandling groups and individuals who showed no regard for laws, safety or traffic flow. Mr. Bear commented despite decades of respecting those laws, the MDA and firefighters were also banned and the panhandlers have now moved elsewhere. He said the MDA is familiar with these aggressive groups that have invaded cities across the country trying to raise large amounts of money in short periods of time. Mr. Bear reported there are many examples of cities that have made exceptions for organizations such as the MDA and have application and permit processes for soliciting donations. He mentioned speaking with the Mayor prior to the ordinance's passage and was informed something had to be done about the panhandling issue and he understands, but feels the MDA needs to come up with a solution. He said he's heard people say if an exception is made for the MDA, then an exception must be made for everyone. He

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commented this cliché isn't realistic as the Fill the Boot Program requires hours of organization and attention to details of signage, materials, insurance, safety and promotion which is not easy for other non-profits to replicate due to limited resources, volunteers and time. Mr. Bear stated the Branson firefighters have partnered with MDA for 30 years and people plan on donating at this annual event which has been done safely and respectfully. He added, the Fill the Boot Program cannot be replaced by MDA and is crucial for the MDA's survival in the future. Mr. Bear commented the MDA is grateful for the support they've received in the past from the people of Taney County and he hopes the Board understands the importance of this program and will allow the MDA to continue as they have always done. He expressed his appreciation for the opportunity to address the Board and he provided handouts. (See attached)

CONSENT AGENDA

Mayor Best asked if there were any citizens that had any items they wished to have removed from the Consent Agenda for further discussion. Hearing none, Mayor Best asked if any member of the Board had any items they wished to have removed from the Consent Agenda. Hearing none, Mayor Best asked City Clerk Westfall to read the items on the Consent Agenda. City Clerk Westfall read the following Consent Agenda items by title.

Approval of Board of Aldermen Minutes:

a) May 26, 2015 Regular Meeting

Acknowledge Receipt of Minutes:

- a) Human Resources Committee meeting of April 10, 2015
- b) Budget and Finance Committee meeting of April 23, 2015
- c) Planning and Zoning Commission Regular meeting of May 5, 2015
- d) Tree Board meeting of May 6, 2015

BILL NO. 4749
Ord. No. 2015-0063

Accepting the proposal of Kimberling City Tire Company, Inc. pertaining to tires, tubes and services.

Final Reading of Bill No. 4749, an ordinance accepting the proposal of Kimberling City Tire Company, Inc. pertaining to tires, tubes and services and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: None. Absent: Simmons. Motion carried. Ordinance No. 2015-0063 was duly enacted.

BILL NO. 4750
Ord. No. 2015-0064

Accepting the proposal of B & L Outdoor Power Equipment pertaining to the purchase of a 61" Zero-Turn Scag Turf Tiger riding mower and a 52" Zero-Turn Scag Turf Tiger riding mower.

Final Reading of Bill No. 4750, an ordinance accepting the proposal of B & L Outdoor Power Equipment pertaining to the purchase of a 61" Zero-Turn Scag Turf Tiger riding mower and a 52" Zero-Turn Scag Turf Tiger riding mower and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: None. Absent: Simmons. Motion carried. Ordinance No. 2015-0064 was duly enacted.

BILL NO. 4751
Ord. No. 2015-0065

Approving a Funding Agreement with the Missouri Department of Health and Senior Services regarding reimbursement of cost to the City of Branson for the purchase of fluoride monitoring equipment.

Final Reading of Bill No. 4751, an ordinance approving a Funding Agreement with the Missouri Department of Health and Senior Services regarding reimbursement of cost to the City of Branson for the purchase of fluoride monitoring equipment and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: None. Absent: Simmons. Motion carried. Ordinance No. 2015-0065 was duly enacted.

BILL NO. 4752

Ord. No. 2015-0066

Accepting the proposal of Analytical Technology, Inc. for fluoride ion meters.

Final Reading of Bill No. 4752, an ordinance accepting the proposal of Analytical Technology, Inc. for fluoride ion meters and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: None. Absent: Simmons. Motion carried. Ordinance No. 2015-0066 was duly enacted.

BILL NO. 4753

Ord. No. 2015-0067

Approving an Intergovernmental Funding Agreement with Taney County for reimbursement to the City of Branson for engineering and design costs of a flow equalization tank to be constructed at Lift Station No. 21.

Final Reading of Bill No. 4753, an ordinance approving an Intergovernmental Funding Agreement with Taney County for reimbursement to the City of Branson for engineering and design costs of a flow equalization tank to be constructed at Lift Station No. 21 and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: None. Absent: Simmons. Motion carried. Ordinance No. 2015-0067 was duly enacted.

BILL NO. 4754

Ord. No. 2015-0068

Approving a Pre-Annexation Agreement for the property owned by Delbert Haney and Gayla Haney located at 165 Warehouse Drive in Branson Warehouse Center.

Final Reading of Bill No. 4754, an ordinance approving a Pre-Annexation Agreement for the property owned by Delbert Haney and Gayla Haney located at 165 Warehouse Drive in Branson Warehouse Center and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: None. Absent: Simmons. Motion carried. Ordinance No. 2015-0068 was duly enacted.

BILL NO. 4755

Ord. No. 2015-0069

Approving an amendment to the agreement with Prolawn & Landscapes, LLC. pertaining to mowing and weedeating for the City.

Final Reading of Bill No. 4755, an ordinance approving an amendment to the agreement with Prolawn & Landscapes, LLC. pertaining to mowing and weedeating for the City and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: None. Absent: Simmons. Motion carried. Ordinance No. 2015-0069 was duly enacted.

Mayor Best opened the floor for a motion to approve all items on the Consent Agenda. Alderman Booth moved to approve, seconded by Alderman Todd. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: None. Absent: Simmons. Motion carried.

REGULAR AGENDA

Update on Economic Development by Jonas Arjes.

An update on Economic Development was provided by Jonas Arjes of the Taney County Business Development Partnership. Mayor Best asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Best asked for comments from the Board. Discussion.

BILL NO. 4756

Accepting the proposal of Mid American Signal, Inc. pertaining to the Branson Hills Parkway Traffic Signal Upgrade Project.

First Reading of Bill No. 4756, an ordinance accepting the proposal of Mid American Signal, Inc. pertaining to the Branson Hills Parkway Traffic Signal Upgrade Project and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall and a staff report was presented by Keith Francis. Mayor Best asked for a motion approving Bill No. 4756. Alderman Davis moved to approve, seconded by Alderman Bohinc. Mayor Best asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Best asked for comments from the Board. No discussion. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: None. Absent: Simmons. Motion carried.

BILL NO. 4757

Accepting the proposal of Bobcat of Springfield, MO for the purchase of a mini excavator and attachment and a compact track loader.

First Reading of Bill No. 4757, an ordinance accepting the proposal of Bobcat of Springfield, MO for the purchase of a mini excavator and attachment and a compact track loader and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall and a staff report was presented by Mike Ray. Mayor Best asked for a motion approving Bill No. 4757. Alderman Davis moved to approve, seconded by Alderman Parnell. Mayor Best asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Best asked for comments from the Board. Discussion. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: None. Absent: Simmons. Motion carried.

BILL NO. 4758

Accepting the proposal of Potter Equipment Co., Inc. for the purchase of a backhoe.

First Reading of Bill No. 4758, an ordinance accepting the proposal of Potter Equipment Co., Inc. for the purchase of a backhoe and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall and a staff report was presented by Mike Ray. Mayor Best asked for a motion approving Bill No. 4758. Alderman Todd moved to approve, seconded by Alderman Bohinc. Mayor Best asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Best asked for comments from the Board. No discussion. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: None. Absent: Simmons. Motion carried.

BILL NO. 4759

Accepting the proposal of Viking-Cives Midwest, Inc. pertaining to the purchase of two Viking snow plows.

First Reading of Bill No. 4759, an ordinance accepting the proposal of Viking-Cives Midwest, Inc. pertaining to the purchase of two Viking snow plows and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall and a staff report was presented by Keith Francis. Mayor Best asked for a motion approving Bill No. 4759. Alderman Bohinc moved to approve, seconded by Alderman Booth. Mayor Best asked for anyone in the audience wishing to speak regarding this matter.

Hearing none, Mayor Best asked for comments from the Board. Discussion. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: None. Absent: Simmons. Motion carried.

BILL NO. 4760

Approving a contract with K&R Electric for installation, maintenance and removal of LED star displays in support of Ozark Mountain Christmas.

First Reading of Bill No. 4760, an ordinance approving a contract with K&R Electric for installation, maintenance and removal of LED star displays in support of Ozark Mountain Christmas and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall and a staff report was presented by Joel Hornickel. Mayor Best asked for a motion approving Bill No. 4760. Alderman Davis moved to approve, seconded by Alderman Parnell. Mayor Best asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Best asked for comments from the Board. Discussion. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: None. Absent: Simmons. Motion carried.

BILL NO. 4761

Approving Arthur J. Gallagher Risk Management Services, Inc. for brokerage services for the City of Branson's Property and Liability Insurance and Workers Compensation Insurance.

First Reading of Bill No. 4761, an ordinance approving Arthur J. Gallagher Risk Management Services, Inc. for brokerage services for the City of Branson's Property and Liability Insurance and Workers Compensation Insurance and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall and a staff report was presented by Jan Fischer. Mayor Best asked for a motion approving Bill No. 4761. Alderman Todd moved to approve, seconded by Alderman Bohinc. Mayor Best asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Best asked for comments from the Board. Discussion. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: None. Absent: Simmons. Motion carried.

BILL NO. 4762

Approving the 2015-2016 Workers Compensation and Property/Liability Insurance Premiums renewals from Midwest Public Risk for the City of Branson.

First Reading of Bill No. 4762, an ordinance approving the 2015-2016 Workers Compensation and Property/Liability Insurance Premiums renewals from Midwest Public Risk for the City of Branson and authorizing the Mayor to execute the documents related thereto was read by title by City Clerk Westfall and a staff report was presented by Jan Fischer. Mayor Best asked for a motion approving Bill No. 4762. Alderman Parnell moved to approve, seconded by Alderman Bohinc. Mayor Best asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Best asked for comments from the Board. No discussion. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: None. Absent: Simmons. Motion carried.

BILL NO. 4763

Approving amendments to the City of Branson's Human Resources Manual.

First Reading of Bill No. 4763, an ordinance approving amendments to the City of Branson's Human Resources Manual was read by title by City Clerk Westfall and a staff report was presented by Jan Fischer. Mayor Best asked for a motion approving Bill No. 4763. Alderman Todd moved to approve, seconded by Alderman Davis. Mayor Best asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Best asked for comments from the Board. Discussion. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: None. Absent: Simmons. Motion carried.

APPOINTMENTS

There were no appointments this evening.

DISBURSEMENTS

Mayor Best stated the next item was review of disbursements for April 23, 2015, through May 22, 2015, and asked if there were any questions regarding the disbursements. [See Master File for copies of disbursements.] Mayor Best asked for a motion acknowledging the receipt of disbursements from April 23, 2015, through May 22, 2015. Alderman Booth so moved, seconded by Alderman Bohinc. No discussion. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: None. Absent: Simmons. Motion carried.

MAYOR/ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman Davis reminded everyone the City of Branson's smoke-free ordinance will take effect July 1st and feels it would be appropriate for the City to celebrate with a proclamation. He asked for the Board's input and suggested an official proclamation be drafted to draw awareness to a healthier city. Alderman Davis mentioned the City recently received a request from another governmental entity for closed executive session minutes and said the Board has the responsibility to maintain certain items through closed session and the City follows rules and regulations pertaining to this as subscribed by state and local laws. He said he doesn't recall an instance in which the City has had a request for closed session items and feels the City lacks a policy by which the Board can respond to this request. He added, a clear definition is needed and he requested Administrator Malinen with the assistance of City Attorney Duston and City Clerk Westfall to lead the Board through this process. Alderman Davis said he would like the Board to receive further education on closed session items and the Missouri Sunshine Law. He recommended Attorney Joe Lauber, who is well known for municipal law, provide these training classes and said it would also be beneficial for the new Mayor.

Alderman Bohinc stated she and Alderman Booth recently attended a Missouri Sunshine Law training class.

Alderman Booth commented he agrees he would like the Board to receive additional training regarding the Missouri Sunshine Law and mentioned recently attending a training class with Alderman Bohinc on this topic. He said he found it interesting that guidelines are clearly listed in state statute pertaining to what information a city can provide and what information is to be closed. Alderman Booth added, he would appreciate Joe Lauber and his team covering this information with the Board.

Mayor Best mentioned attending an appreciation luncheon honoring the Public Works, Engineering and Utilities Department staff and Directors. She participated in the Children's Miracle Network Telethon and did a proclamation for the new Acrobats of China troop. She reported she met with Missouri State Senator Blunt's representatives, attended Relay For Life and the Branson Lakes Area/Lodging Association. She said she participated in the Emmy press conference and announced Branson will be hosting the 40th Anniversary Midwest Emmy Awards on October 1, 2016, which is the first time it will not be held in St. Louis or Kansas City. She said she attended meetings with Department Directors, held interviews for open appointments and met with numerous citizens and investors. Mayor Best stated she will attend a conference in Columbia, Missouri, this week that covers many topics related to local government.

EXECUTIVE SESSION

Mayor Best asked for a motion to adjourn into a closed Executive Session. Alderman Davis moved to go into Closed Executive Session pursuant to 610.021.1 RSMo for litigation and 610.021.3 RSMo for personnel, seconded by Alderman Bohinc. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: None. Absent: Simmons. Motion carried.

ADJOURN

Mayor Best asked for a motion to adjourn. Alderman Davis moved to adjourn, seconded by Alderman Todd. Voting aye: Parnell, Booth, Todd, Bohinc and Davis. Nays: None. Absent: Simmons. Motion carried. Meeting adjourned at 8:15 p.m.

Karen Best
Mayor

Lisa Westfall
City Clerk

HANDOUTS SUBMITTED BY JERRY BEAR DURING PUBLIC COMMENT

IN-STREET COLLECTIONS ORDINANCE CONSIDERATIONS...

1. NO ONE UNDER THE AGE OF 18 MAY PARTICIPATE IN IN-STREET COLLECTIONS.
2. A PERMIT MUST BE SECURED FROM THE CITY WITH APPLICATION FOR SAID PERMIT TO BE SUBMITTED TO THE CITY NO LESS THAN 11-DAYS PRIOR TO THE DATE(S) OF COLLECTION. THE APPLICATION WILL INCLUDE THE DATES, TIMES AND LOCATIONS OF COLLECTIONS. [THE CITY MAY EXCLUDE CERTAIN HIGH-TRAFFIC INTERSECTIONS DUE TO CONGESTION CONCERNS.]
3. THE ORGANIZATION FOR WHICH COLLECTIONS ARE BEING CONDUCTED MUST PROVIDE SERVICES TO CITIZENS WITHIN THE CITY.
4. THE ORGANIZATION FOR WHICH COLLECTIONS ARE BEING CONDUCTED MUST PROVIDE THE CITY WITH PROOF OF LIABILITY INSURANCE IN AN AMOUNT OF NO LESS THAN \$1 MILLION AND NAME THE CITY AS 'ADDITIONALLY INSURED' ON A CERTIFICATE OF INSURANCE.
5. APPROPRIATE SIGNAGE MUST BE POSTED WITHIN 100 YARDS OF INTERSECTIONS WHEREIN COLLECTIONS ARE BEING CONDUCTED NOTING THE CAUSE FOR WHICH COLLECTIONS ARE BEING CONDUCTED.
6. COLLECTIONS MUST BE CONDUCTED IN SUCH A MANNER SO AS TO NOT IMPEDE THE FLOW OF TRAFFIC.
7. ALL INDIVIDUALS CONDUCTING IN-STREET COLLECTIONS MUST WEAR HIGH-VISIBILITY ORANGE OR GREEN SAFETY VESTS WHILE COLLECTING.
8. COLLECTIONS MAY ONLY BE CONDUCTED AT INTERSECTIONS CONTROLLED BY ELECTRONIC SIGNAL LIGHTS OR 4-WAY STOP SIGNS.
9. COLLECTIONS MAY ONLY BE CONDUCTED DURING DAYLIGHT HOURS.
10. NO ONE GROUP MAY COLLECT FOR MORE THAN FOUR (4) CONSECUTIVE DAYS AND NO MORE THAN TWICE PER CALENDAR YEAR.
11. RECIPIENT ORGANIZATION OF IN-STREET COLLECTIONS MUST BE A BE A BONA NON-PROFIT ORGANIZATION EXEMPT FROM TAXES UNDER IRS TAX CODE 501c3 AND BE REGISTERED WITH THE SECRETARY OF STATE'S OFFICE TO CONDUCT BUSINESS WITHIN THE STATE OF KANSAS.

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2/23/11

AN ORDINANCE CREATING NEW CHAPTER 3.26 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO PERMITS FOR CHARITABLE SOLICITATION EVENTS AT INTERSECTIONS WITHIN THE CITY OF WICHITA, THE REQUIREMENTS THEREFOR, AND REGULATING THE CONDUCT OF PARTICIPANTS THEREIN.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 3.26.010 of the Code of the City of Wichita, Kansas, shall read as follows: **"Permit required.** No person shall participate in or engage in activities that comprise a charitable solicitation event at approved intersections within the city limits without first obtaining a permit for such an event as provided in this chapter.

"Charitable solicitation event" is defined to mean an event where persons stand upon a street and/or highway of the city and solicit funds for a charitable organization which would otherwise be in violation of Section 11.44.050(b) of the Code of the City of Wichita.

"Charitable organization" is defined to mean a non-profit organization that has been designated as a 501(c)(3) organization pursuant to the Internal Revenue Code of the United States or has been designated as a charitable organization by the Kansas Secretary of State.

"Approved intersections" are defined to mean those intersections within the City of Wichita at which charitable solicitation events are allowed to occur which have been

approved by the Chief of Police or the Chief's designee in consultation with the city traffic engineer. At no time will charitable solicitation events be allowed at intersections that are under construction, or where road work is ongoing.*

SECTION 2. Section 3.26.020 of the Code of the City of Wichita, Kansas, shall read as follows: "**Application for permit.** Any person desiring to participate in or engage in activities that comprise a charitable solicitation event at approved intersections within the city limits shall make application for a permit with the city treasurer's office. The application shall be on such form and contain such information as the city treasurer shall require, including the following:

- (a) The name and address of the applicant, and personal information, or if the applicant is a firm or corporation, the names, addresses and personal information of persons owning a financial interest therein.
- (b) The name and address of a contact person for the charitable solicitation event, if different from the applicant.
- (c) The name of the charitable organization for which the event is being conducted and proof that the status of the organization meets the definition set forth herein.
- (d) The date(s) and time(s) that the charitable solicitation event(s) will be conducted.
- (e) Proof of liability insurance as required by Section 3.20.040.
- (f) A safety plan as required by Section 3.20.050.
- (g) A statement by the applicant that he or she is at least 21 years of age.

- (h) A statement by the applicant that he or she is familiar with the provisions of this chapter and is complying and will comply with such provisions.
- (i) A statement by the applicant the he or she has not had a permit under this chapter or a similar type of permit or license in any jurisdiction previously suspended or revoked within one year immediately preceding the date of the application.
- (j) The application shall be accompanied by a Charitable Solicitation Event fee of \$100.00.
- (k) Applications shall be submitted no later than five business days prior to the time of the event for which the permit is sought. No permit will be issued if the application is submitted within five business days of the proposed charitable solicitation event.

SECTION 3. Section 3.26.030 of the Code of the City of Wichita, Kansas, shall read as follows: "**Denial of Permit.** An application for a Charitable Solicitation permit may be denied if:

- (a) The applicant is not at least at least 21 years of age;
- (b) The applicant has knowingly made a false, misleading or fraudulent statement of fact to the City in the application process;
- (c) The application is incomplete or does not contain the information required by this chapter;
- (d) The applicant has had a permit under this chapter or a similar type of permit or license in any jurisdiction previously suspended or revoked for

good cause within one year immediately preceding the date of the filing of the application;

- (e) The applicant fails to comply with any conditions of approval including, but not limited to:
 - (1) Remittance of all application and permit fees;
 - (2) Proof of liability insurance as required;
 - (3) Submission of a safety plan as required.
- (f) Charitable organizations are limited to one charitable solicitation event per year, which event shall be no more than three days in duration.
- (g) If a permit application is denied, under the provisions of this section, notice shall be given to the applicant in writing. Such notice shall set forth the reasons for the denial, and shall inform the applicant that such an order may be appealed to the city council by filing a written request with the city clerk within ten calendar days from the date contained on the notice. If an appeal is taken from the denial of a permit application, no permit shall be issued until the matter is resolved by the city council. The city council shall hear the matter on the record and may affirm or reverse the denial. The applicant may appeal the decision of the city council to the district court of the county in the manner provided by state statute. If an appeal is taken from the decision of the city council, no permit shall be issued until the matter is resolved by the district court."

SECTION 4. Section 3.26.040 of the Code of the City of Wichita, Kansas, shall read as follows: "**Liability Insurance requirement.** The permit holder for a charitable

solicitation event shall procure and maintain in full force and effect during the term of the permit a policy of insurance from an insurance company authorized to do business in the State of Kansas which provides general liability coverage in an amount not less than \$500,000 per occurrence. Proof of insurance shall be submitted to the City prior to issuance of the permit and maintenance of this insurance shall be a condition thereof."

SECTION 5. Section 3.26.050 of the Code of the City of Wichita, Kansas, shall read as follows: **"Safety Plan.** (a) It is the obligation of the permit holder or responsible party for a charitable solicitation event and a condition of the permit to maintain at all times adequate safety procedures for the conduct of such event.

(b) The permit holder for a charitable solicitation event shall submit with his or her application a written safety plan to insure that all persons participating in the charitable solicitation event will conform to the standards of conduct set forth in Section 3.26.060 and, further, that adequate safety measures will be taken to protect all participants, all traffic laws will be obeyed, and that the age requirements for solicitors and responsible persons at charitable solicitation locations will be observed."

SECTION 6. Section 3.26.060 of the Code of the City of Wichita, Kansas, shall read as follows: **"Charitable solicitation events - standards of conduct for participants.** Persons who participate in or engage in activities that comprise a charitable solicitation event shall conform to the following standards of conduct:

- (a) Solicitors may only solicit on behalf of charitable organization as defined in Section 3.26.010 of this code.
- (b) Solicitors may only solicit on the dates and times set forth on the permit application submitted for the event.

- (c) All solicitors shall be 18 years of age or older and must carry a valid, government issued, photo I.D. showing the solicitor to be at least 18 years of age on his or her person while engaged in a charitable solicitation event, and such I.D. shall be presented upon request by any officer of the city.
- (d) There shall be at least one person 21 years of age or older present at each intersection while solicitation is occurring who shall be designated as the responsible party for the group and shall be a contact person for police for enforcement of the provisions of this chapter.
- (e) A copy of the permit issued pursuant to this chapter and the approved intersection attachment must be in the possession of the responsible party at each intersection where solicitation is occurring, and shall be presented for inspection when requested to do so by any officer of the city, or by any person being solicited for a contribution.
- (f) Solicitation shall be allowed only at approved intersections and those that are identified on the permit attachment of the charitable solicitation event as intersections where the applicant intended to solicit donations.
- (g) No solicitor shall suddenly leave the curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.
- (h) Solicitors shall stand on a curb or raised median and are allowed to step off the curb or raised median to approach a vehicle only at intersections with stop signs or while the traffic signal has turned red and only while the

signal remains red. Solicitors shall immediately return to the curb or raised median when the signal turns green or when traffic is moving.

- (i) Solicitors shall not approach a vehicle unless a window is down or an occupant has given some sign of assent to be approached.
- (j) Solicitation shall occur only during daylight hours after sunrise and before sunset.
- (k) Each solicitor shall wear a safety vest of a color and material that will enhance visibility and help insure solicitor safety. Identification of the soliciting agency shall be printed or displayed on each safety vest.
- (l) The soliciting organizations shall be identified by prominent signs visible to drivers and held by individuals on the curb, carried or worn by the solicitors, or placed upon a vehicle legally parked in close proximity to the solicitors. Signs or banners displayed at the intersection shall not be posted or affixed to the ground and shall not inhibit or obstruct traffic visibility.
- (m) Identification of the soliciting agency shall be printed or displayed upon all containers used by solicitors to collect monetary donations.

SECTION 7. Section 3.26.070 of the Code of the city of Wichita, Kansas, shall read as follows: **"Enforcement of Standards of Conduct.** Violation of any of the standards of conduct for participants in charitable solicitation events by as set forth in Section 3.26.060 of this chapter by individual solicitors shall be considered a violation of Section 11.44.050(b) of this Code. In addition to issuing a citation to the violator, a law enforcement officer may order that the violator leave the premises of the charitable

solicitation event for the remainder of the event. If the violator is the responsible person for the group of solicitors at an intersection, soliciting shall cease until another individual who qualifies as a responsible person under this chapter is present at the event location.

SECTION 8. Section 3.26.080 of the Code of the city of Wichita, Kansas, shall read as follows: **Permit suspension or revocation.** (a) The chief of police or the chief's designee may suspend or revoke a charitable solicitation event permit under this chapter if it is determined that:

- (1) The permit holder has made any false statement or given any false information in connection with an application for a permit;
- (2) The permit holder or the responsible party supervising solicitations at an intersection has engaged in or has allowed solicitors to engage in activity that endangers the safety of any solicitor or other person or the public at large, or causes an unreasonable risk of damage to either public or private property.
- (3) The permit holder or the responsible party supervising solicitations at an intersection has repeatedly violated or has allowed solicitors to repeatedly violate any of the standards of conduct set forth in Section 3.26.040.

(b) If the chief of police or the chief's designee suspends or revokes a charitable solicitation event permit under the provisions of this section, notice shall be given to the permit holder in writing. Such notice shall set forth the reasons for the suspension or revocation, and shall inform the permit holder that such an order may be appealed to the city council by filing a written request with

the city clerk within ten calendar days from the date contained on the notice. Upon receipt of such notice, the city clerk shall notify the chief of police who shall forward all relevant information and exhibits to the city clerk within ten days. Any appeal taken from an order of the chief of police or the chief's designee shall stay the order of suspension or revocation until the matter is resolved by the city council.

The city council shall hear the matter on the record and may affirm or reverse in full or in part the action of the chief of police or the chief's designee. The permit holder may appeal the decision of the city council to the district court of the county in the manner provided by state statute. If the decision of the chief of police or the chief's designee is reversed in full or in part, the permit holder shall be granted a permit to conduct an addition charitable solicitation event within the calendar year period. Any appeal to the district court shall not stay the order of the city council.

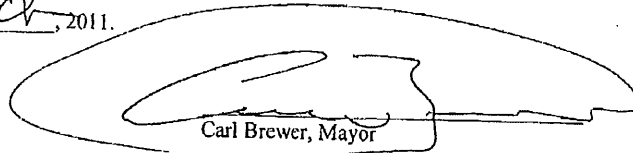
(c) Any permit holder who has his or her permit revoked or suspended pursuant to this section, as well as the charitable organization for which the permit holder was soliciting donations at the time the conduct occurred which gave rise to the suspension of such permit shall be ineligible to receive a permit for any other charitable solicitation event under this chapter for a period of three calendar years from the date of suspension or revocation.

SECTION 9. Section 3.26.090 of the Code of the City of Wichita, Kansas, shall read as follows: **"Violation – Penalty.** Any person violating any provision of this

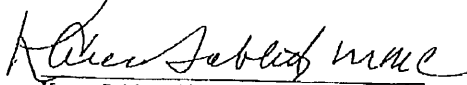
chapter is guilty of a misdemeanor and shall be punished by a fine of not more than \$500."

SECTION 10. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon adoption and publication in the official city newspaper.

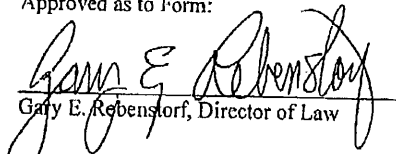
PASSED by the governing body of the City of Wichita, Kansas, this 8th
day of March, 2011.


Carl Brewer, Mayor

Attest:


Karen Sublett, City Clerk

Approved as to Form:


Gary E. Rebenstorf, Director of Law





City of Oklahoma City

Application for Street Solicitation Permit

Name of Organization permit will be issued to:

Organization Name _____
 Mailing Address _____
 City, State, Zip Code _____
 Phone Number _____
 Contact Name _____

Name of Organization conducting Street Solicitation (if different from above):

Organization Name _____
 Mailing Address _____
 City, State, Zip Code _____
 Phone Number _____
 Contact Name _____

Sponsor Status: Profit _____ Non-Profit _____

Date(s) of Event (Not to exceed 5 days) : Start Date _____ End Date _____
 Time _____ am/pm to _____ am/pm
 (NOTE: Event times must be between the hours of 7:30 am until one hour before sunset)

Site Location(s) (Please be specific, attach separate sheet if necessary):

Name and address of each individual soliciting (attach separate sheet if necessary):

I hereby affirm that the information contained above is complete and accurate to the best of my knowledge, and understand that the Sponsor has the responsibility to be aware of and comply with Oklahoma City ordinances, including but not limited to all public safety requirements.

Signature of Applicant _____

Printed Name of Applicant _____

Title _____ Date _____

Oklahoma City, Oklahoma, Code of Ordinances >> - OKLAHOMA CITY MUNICIPAL CODE, 2007 >>
 Chapter 39 - PEDDLERS, SOLICITORS, ETC. >> ARTICLE II. - PEDDLERS AND SOLICITORS >>
 DIVISION 2. - LICENSE >>

DIVISION 2. - LICENSE [1992]

§ 39-31. - Required.
 § 39-32. - Application procedure.
 § 39-33. - Application fee and investigation fee.
 § 39-34. - Review and investigation; issuance or denial.
 § 39-35. - Appeal of disapproval by Supervisor of Licenses.
 § 39-36. - Term.
 § 39-37. - Transfer of license or badge.
 § 39-38. - Display.
 § 39-39. - Revocation.
 § 39-40. - Surrender upon expiration or revocation.
 § 39-41. - Renewal of license.
 §§ 39-42—39-59. - Reserved.

§ 39-31. - Required.

It shall be unlawful for any person to engage in the business of peddler or solicitor within the corporate limits of the City without first obtaining a license from the Supervisor of Licenses.

(Code 1980, § 39-31; Ord. No. 18839, § 1, 9-8-87; Ord. No. 19971, § 1, 6-15-93)

§ 39-32. - Application procedure.

- (a) Contents of application. Applicants for a license under this article shall file with the Supervisor of Licenses a verified application in writing on a form to be furnished by the Supervisor of Licenses, which shall contain the following information:
- (1) the full name, description, birth date, and social security number of the applicant.
 - (2) this applicant's address, both legal and local.
 - (3) a brief description of the business to be conducted and the items to be sold.
 - (4) the time period for which the applicant desires to do business.
 - (5) the license number and description of any vehicle to be used (if applicable).
 - (6) a verification that the applicant or the applicant's employer is a vendor registered with the Oklahoma Tax Commission, or other proof that sales tax has been or is being paid on the items sold or to be sold; or proof that the applicant or the applicant's employer is exempt from the payment of sales tax.
 - (7) photographs and fingerprints of the applicant to be taken by the Police Department of the City.
 - (8) the content of any signs to be used.
 - (9) if employed by another, the name and address of the applicant's employer, together with a brief description of credentials showing the exact relationship.
- (b) Along with the written application, the applicant shall obtain from the Oklahoma State Bureau of Investigation and provide to the Supervisor of Licenses a current Oklahoma criminal history information report. The criminal record is considered current if it is dated no more than 30 days prior to the date on which the applicant submits a completed application to the Supervisor of Licenses.

(Code 1980, § 39-32; Ord. No. 18839, § 1, 9-8-87; Ord. No. 19971, § 1, 6-15-93; Ord. No. 21689, § 4, 3-27-01)

§ 39-33. - Application fee and investigation fee.

Any person making application for a license required by the provisions of this article shall pay to the City Treasurer an application fee and investigation fee as provided in Chapter 60, the General Schedule of Fees. The fees shall be for the purposes of defraying the costs of processing the application and conducting the investigation required by this article. No such fees shall be refundable.

(Code 1980, § 39-33; Ord. No. 18839, § 1, 9-8-87; Ord. No. 19971, § 1, 6-15-93)

Cross reference— License application fee for peddlers, solicitors and outdoor sellers, § 60-39-1.

§ 39-34. - Review and investigation; issuance or denial.

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Upon receipt of an application for a license as required by Section 39-31 of this article, the Supervisor of Licenses (shall) review the criminal history information provided by the Oklahoma State Bureau of Investigation and shall note thereon any relevant information concerning any convictions of the applicant for any of the offenses specified in Subsection (e)(1) of this section.

- (b) The Supervisor of Licenses shall cause such other investigation or inquiry concerning the applicant as deemed necessary to determine whether the application is in compliance with the terms and conditions of this article and other applicable provisions of this Code.
- (c) Upon completion of the necessary investigation as provided for by this section, the Supervisor of Licenses shall review the application to ensure:
 - (1) that the applicant or the applicant's employer is a vendor registered with the Oklahoma Tax Commission for the payment of sales tax, or that he has otherwise demonstrated that sales tax has been or is being paid on the items sold, or that the applicant or the applicant's employer is exempt from payment of such tax;
 - (2) that the applicant or the applicant's employer is aware of his or her responsibility to collect and pay sales tax, unless tax exempt;
 - (3) that the applicant's character or business responsibility is not "unsatisfactory" (as defined in Subsection (e) of this section);
 - (4) that the applicant's proposed signs and locations therefor comply with all of the provisions of Article V, Chapter 3 of this Code; and
 - (5) that the application otherwise complies with all of the provisions of this Code.
- (d) Within seven business days after receipt of the application, the Supervisor of Licenses shall either approve or disapprove of the application. Grounds for disapproval shall be the following:
 - (1) a finding that the application is incomplete;
 - (2) nonpayment of the application fee and investigation fee;
 - (3) failure of the applicant to verify that he or she, or his/her employer, is a vendor registered with the Oklahoma Tax Commission for the payment of sales tax; or that sales tax has been or is being paid on the items sold; or that he or she, or his/her employer, is otherwise exempt from payment of sales tax;
 - (4) a finding that the applicant's proposed signs and locations therefor are not in compliance with Article V of Chapter 3 of this Code;
 - (5) a finding that the application is not in conformance with other applicable provisions of Chapter 59 or other provisions of this Code; or
 - (6) a finding that the applicant's character or business responsibility is "unsatisfactory" (as defined in Subsection (e) of this section).

If the application is approved, the Supervisor of Licenses shall issue the permit. If the application is disapproved, the Supervisor of Licenses shall state, in writing and with specificity, the reason(s) for disapproval. The Supervisor of Licenses shall immediately notify the applicant of such disapproval. Mailing a copy of the letter of disapproval to the address shown on the application shall be deemed to be adequate notification of the applicant.

(e) For the purposes of this article, "unsatisfactory character or business responsibility" of an applicant shall be defined as follows:

- (1) a finding that the applicant has been convicted of murder, voluntary manslaughter, robbery, burglary, larceny, theft, fraud, an offense involving moral turpitude, any nonconsensual sex offense, any offense involving a minor as a victim, any offense involving the possession, use, distribution or sale of a controlled dangerous substance, any offense involving a firearm, or a felony;
- (2) a finding that the applicant has been convicted of two or more violations of the provisions of this article within the preceding 12 months; or
- (3) a finding that a previous license held by the applicant pursuant to the provisions of this article was revoked within the previous 12 months.

(Code 1980, § 39-34; Ord. No. 18839, § 1, 9-8-87; Ord. No. 19971, § 1, 6-15-93; Ord. No. 21689, § 4, 3-27-01)

§ 39-35. - Appeal of disapproval by Supervisor of Licenses.

An applicant who has been denied a license under this article may appeal the denial to the License Appeals Board pursuant to the provisions in Section 26-17 of this Code.

(Code 1980, § 39-35; Ord. No. 18839, § 1, 9-8-87; Ord. No. 19971, § 1, 6-15-93)

§ 39-36. - Term.

A license issued pursuant to the provisions of this article shall expire as provided in Section 26-11 of this Code, unless sooner revoked.

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(Code 1980, § 39-36; Ord. No. 18839, § 1, 9-8-87)

§ 39-37. - Transfer of license or badge.

No license or badge issued under the provisions of this article shall be used or worn at any time by any person other than the licensee to whom it was issued.

(Code 1980, § 39-38; Ord. No. 18839, § 1, 9-8-87)

§ 39-38. - Display.

Peddlers and solicitors are hereby required to exhibit and display their licenses or authorized evidence thereof at all times whenever they are engaged in peddling or soliciting.

(Code 1980, § 39-40; Ord. No. 18839, § 1, 9-8-87; Ord. No. 19871, § 1, 6-15-93)

§ 39-39. - Revocation.

Licenses issued under the provisions of this article may be revoked pursuant to the provisions of Section 26-20 et seq. of this Code. Grounds for revocation shall include but not be limited to the following:

- (1) fraud, misrepresentation, or any false statement contained in the application for the license.
- (2) conviction of the licensee for murder, voluntary manslaughter, robbery, burglary, larceny, theft, fraud, an offense involving moral turpitude, any nonconsensual sex offense, any offense involving a minor as a victim, any offense involving the possession, use, distribution or sale of a controlled dangerous substance, any offense involving a firearm, or a felony.
- (3) conviction of the licensee for two or more violations of the provisions of this article within the preceding 12 months.
- (4) a finding that the licensee has conducted the business for which the license was issued in an unlawful manner or in such manner as to constitute a breach of the peace.

(Code 1980, § 39-41; Ord. No. 18839, § 1, 9-8-87; Ord. No. 19871, § 1, 6-15-93)

§ 39-40. - Surrender upon expiration or revocation.

When a license issued pursuant to the provisions of this article expires, or is revoked, its holder shall surrender it to the Supervisor of Licenses and the license shall become the property of the City.

(Code 1980, § 39-42; Ord. No. 18839, § 1, 9-8-87)

§ 39-41. - Renewal of license.

The holder of any expiring license issued under this article who desires a new license shall file a written application for renewal with the Supervisor of Licenses. The application for renewal shall contain the information required in Section 39-32 of this article, except, at the discretion of the Police Department, new photographs shall not be required if the existing photograph continues to be a good likeness of the applicant. The Supervisor of Licenses, in determining whether to approve or disapprove an application for renewal of a license, shall be guided by the provisions in Section 39-34 of this article.

(Code 1980, § 39-43; Ord. No. 18839, § 1, 9-8-87; Ord. No. 19871, § 1, 6-15-93)

§§ 39-42—39-54. - Reserved.

FOOTNOTE(S):

(192) Cross reference— Licenses and permits. Ch. 26. (Back)

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